



FOOD ACT 2014

The facts



Ensuring the safety of the food we sell, whether it's made here, imported, or exported, is essential as a nation. Everyone working in the food industry has responsibilities to make sure that the food we buy is safe and suitable to eat, whether that involves growing and harvesting crops, the food manufacturing process, or preparation and sale of food at shops, cafés or restaurants.

The new Food Act gives food businesses the tools to manage food safety themselves in a way that suits their business, based on the level of food safety risk involved in what they do. The new Act is more flexible so that lower risk businesses and providers will have fewer requirements and costs.

It also allows businesses to be more adaptable to future changes in technology, overseas market access requirements, and consumer demands.

The Act comes into force on 1 March 2016. All new businesses must follow the new rules by this date. Existing businesses will be given time to change over to the new rules during a three-year transition period, from 1 March 2016–28 February 2019. Different businesses will need to transition at different times. Check the transition timetable on the [MPI website](#) to see when you need to make changes.



THE KEY CHANGES

- » The central feature of the new Act is that businesses will be regulated according to the level of food safety risk that their food presents to the public.
- » The new law recognises that each business is different and is a positive step forward from the old Food Act 1981 and its one size-fits-all approach to food safety. This means that a “corner” dairy operator who reheats meat pies won’t be treated in the same way as the meat pie manufacturer.
- » Food providers that are involved in higher risk activities, like making cheese or preparing meals, will operate under a food control plan (FCP), whereas those involved in lower risk activities, like selling pre-packaged goods or growing vegetables, will operate under a national programme (see below for details).

WHAT WILL THE FOOD ACT MEAN FOR ME?

Where do I fit?

To find out what rules will apply to you, visit www.mpi.govt.nz/foodact and use “Where do I fit?”

The simple and easy to use online tool will help you discover if you need a food control plan, or to operate under a National Programme.

If you make and sell food

Businesses involved in higher risk activities will need to operate under a food control plan. This will apply to the likes of restaurants and cafes, and manufacturers of high risk foods, such as baby food, and meat, poultry and dairy products.

What’s a food control plan?

A food control plan is a written plan for food safety, which requires you to identify possible risks and document how you will manage these risks. It will require:

- » a written and evaluated plan (MPI will supply food control plan templates for food service businesses, e.g. restaurants and cafes, and retail businesses, e.g. supermarkets and butchers);

- » annual registration of the plan;
- » a regular check (verification) to make sure the plan is being followed. This could be as little as once every 18 months if you are managing food safety well.
- » Many businesses selling higher risk foods already have food safety programmes in place. If you’re already operating with a food safety programme you will have until 28 February 2019 to transition your business to the new Act. Between 1 March 2016 and 28 February 2019 you will need to review your plan in light of the new Act, and re-register it with MPI or your local council. If you operate with a Risk Management Programme under the Animal Products Act 1999, you can continue to do so.

If you make and sell lower risk food

If you are producing lower risk foods like bread-only products, jams, pickles or confectionery for sale you will operate under one of three levels of national programmes.

What’s a national programme?

Businesses operating under a national programme won’t need a written plan, but will need to follow requirements for producing

- » The Act only covers food that is produced and sold or traded commercially.
- » Growing food for personal use and sharing it with others, including “Bring a plate” to a club committee meeting or a lunch for a visiting sports team or social group, is outside the scope of the Food Act.
- » Trading of seeds for planting will not be covered by the Act.
- » Unlike the old Act, the new Act provides a clear exemption to allow Kiwi traditions like fundraising sausage sizzles or home baking at school fairs to take place. These activities don’t need a written plan or a programme, nor do they need to register with MPI or pay any fees. However, people will still need to ensure that their food is safe and suitable. Free guidance material will be available soon on MPI’s website to help people identify what they need to do to sell safe food.



safe food set out in regulations. MPI is developing guidance for businesses to meet their requirements for national programmes.

They will also have to register their business details with MPI, keep minimal records and have periodic checks. The frequency of checks will reflect how well a business complies with food safety requirements.

National programme level 3

This will apply to the likes of brewers/distillers, food additive manufacturers, fruit drink and flour manufacturers. It will require:

- » registration of business details with your local council;
- » an initial check to make sure the processes used are safe, and follow up checks at least once every 2 years.

National programme level 2

This will apply to the likes of bread bakeries, manufacturers of jams, chips, confectionery, sauces and spreads. It will require:

- » registration of business details with your local council;
- » an initial check to make sure the processes used are safe, and follow up checks at least once every 3 years.

National programme level 1

This will apply to growing and harvesting crops in the commercial horticulture sector and the likes of manufacturers of frozen fruit and vegetables. It will require:

- » registration of business details with your local council;
- » an initial check to make sure the processes used are safe, and possible future checks.

If you sell fruit and vegetables

If you sell your own fruit and vegetables directly to the consumer, for example, at roadside stalls or farmers’ markets, all you have to do is continue to sell safe food. Free food safety guidance will be available on MPI’s website.

If you sell your own fruit and vegetables to another outlet, such as a supermarket, store or someone else’s stall at a farmers’ market, you’ll need to operate under national programme level 1.



If you sell food for fundraising

The Act provides a clear exemption to allow Kiwi traditions like sausage sizzles, home baking at school fairs, raffles and charity fundraisers to take place.

The Act allows a person who trades in food solely for fundraisers or to support a charity or cultural or community events to do so up to 20 times in a calendar year without the need to be registered or undergo checks, but people will need to ensure that the food is safe and suitable to eat.

Exemptions

The Act gives the chief executive of MPI the power to exempt food businesses from the requirement to operate under a Food Control Plan or under a National Programme. There is a process for doing this, and the chief executive will assess these on a case by case basis.

Importing food

Imported food can only come into New Zealand through a registered importer. If you directly import food you will need to either register your importing business details with MPI, or use a registered importer.

NEXT STEPS

Check which regulations apply to you under the new Food Act 2014.

Visit www.mpi.govt.nz/foodact and use the Where do I fit? tool.

The Act comes into force on 1 March 2016. Existing businesses will transition to the new Act in stages, between 1 March 2016 and 28 February 2019. Check the transition timetable on the MPI website.

More resources to help you comply with the new Act will also be available on the MPI website: www.mpi.govt.nz/foodact

For more information call MPI on **0800 00 83 33** or email info@mpi.govt.nz, or contact your local council.

